



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Haseltine et al.

Application Serial No.: 10/079,429

Art Unit: 1652

Filed: February 22, 2002

Examiner: Nashed, N.

Title: HUMAN DNA MISMATCH REPAIR  
PROTEINS

Docket No.: PF106P3D1

**STATEMENT OF HUMAN GENOME SCIENCES, INC.  
UNDER 37 C.F.R. §§ 3.73 AND 1.48(a)(5)**

Commissioner for Patents  
Washington, DC 20231

Sir:

**Statement Under 37 C.F.R. § 3.73**

The above-identified application is a divisional of two U.S. Patent Applications, namely U.S. Patent Application No. 08/465,679 filed June 6, 1995 and U.S. Patent Application No. 08/468,024 filed June 6, 1995, now U.S. Patent 6,416,984. Human Genome Sciences, Inc. ("HGS"), organized and existing under the laws of the State of Delaware, having its principal place of business at 9410 Key West Avenue, Rockville, Maryland 20850, states that at present, it is the assignee of the entire right, title and interest for the above-identified application by virtue of assignment of both of the parent applications of the above-identified application as documented below.

- A. An assignment from inventors William A. Haseltine, Steven M. Ruben, Ying-Fei Wei, and Craig A. Rosen of parent application 08/465,679 filed June 6, 1995. The assignment was recorded in the U.S. Patent and Trademark Office on October 27, 1998, at Reel 9400, Frame 0525.
- B. A chain of title of parent application 08/465,679 filed June 6, 1995 from inventors Mark D. Adams, Robert D. Fleischmann, Claire M. Fraser, Rebecca A. Fuldner, and Ewen F. Kirkness to the current assignee as shown below:

1. From: Mark D. Adams, Robert D. Fleischmann, Claire M. Fraser, Rebecca A. Fuldner, and Ewen F. Kirkness  
To: The Institute of Genomic Research  
The document was recorded in the U.S. Patent and Trademark Office on April 15, 1996, at Reel 7920, Frame 0786.
  2. From: The Institute of Genomic Research  
To: Human Genome Sciences, Inc.  
The document was recorded in the U.S. Patent and Trademark Office on April 15, 1996, at Reel 7920, Frame 0786
- C. An assignment from inventors William A. Haseltine, Steven M. Ruben, Ying-Fei Wei, and Craig A. Rosen of parent application 08/468,024 filed June 6, 1995, now U.S. Patent 6,416,984. The assignment was recorded in the U.S. Patent and Trademark Office on April 15, 1996, at Reel 7917, Frame 0517.
- D. A chain of title of parent application 08/468,024 filed June 6, 1995, now U.S. Patent 6,416,984 from inventors Mark D. Adams, Robert D. Fleischmann, Claire M. Fraser, Rebecca A. Fuldner, and Ewen F. Kirkness to the current assignee as shown below:
1. From: Mark D. Adams, Robert D. Fleischmann, Claire M. Fraser, Rebecca A. Fuldner, and Ewen F. Kirkness  
To: The Institute of Genomic Research  
The document was recorded in the U.S. Patent and Trademark Office on April 15, 1996, at Reel 7917, Frame 0538.
  2. From: The Institute of Genomic Research  
To: Human Genome Sciences, Inc.  
The document was recorded in the U.S. Patent and Trademark Office on April 15, 1996, at Reel 7917, Frame 0538

The undersigned, whose title is supplied below, is empowered to sign this document on behalf of the assignee. The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

**Statement Under 37 C.F.R. § 1.48(a)(5)**

In accordance with the Request to Correct Inventorship submitted herewith, HGS agrees to the proposed change of inventorship adding Bert Vogelstein, Kenneth W. Kinzler, Nicholas C. Nicolaides, and Nickolas Papadopoulos as inventors of the above-captioned patent application.

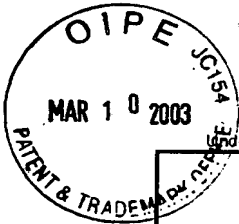
For: Human Genome Sciences, Inc

Signature: James H D

Name: James H. Davis, Ph.D.

Title: Senior Vice President, General Counsel, and Secretary

Date: March 10, 2003



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-02)  
Approved for use through 10/31/2002. OMB 0651-0032

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number 10/079,429-Conf. #9565  
Filing Date February 22, 2002  
First Named Inventor Dr. William A. Haseltine  
Examiner Name Nashed, N.  
Group Art Unit 1652  
Attorney Docket No. PF106P3D1

RECEIVED

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 08-3425

Deposit Account Name Human Genome Sciences, Inc.

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	21	-21** =		0.00
Independent Claims	3	-3** =		0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) 1808 Processing fee, except in provisional applications					130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type) Mark J. Hyman Registration No. (Attorney/Agent) 46,789 Telephone (240) 314-1224  
Signature *WJH* Date March 10, 2003

## Complete (if applicable)